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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,221	03/16/2004	Mark C. Carter	EZUP:68114	3569

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EXAMINER
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YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/802,221	CARTER, MARK C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Winnie Yip	3637	<i>NY</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>March 16, 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a first office action for application Serial No. 10/802,221 which is a continuation application of earlier applications.

Claims 1-19 have been cancelled. And, claims 20-22 are pending in the application.

#### ***Claim Objections***

1. Claims 20 and 21 are objected to because of the following informalities: the term “telescoping member” (claim 20, line 3) should read “telescoping pole members”. And, the term “the medially located aperture” (claim 21, line 3) lacks a proper antecedent basis. Appropriate correction is required.

#### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term “a ramped channel” for receiving the detent pin as claimed (claim 21) must be clearly defined in the specification.

#### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature “a ramped channel” (claim 21) must be shown or the feature canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20-22 are rejected under 35 U.S.C. 102 (b) as being anticipated by Emard (US Patent No. 4,941,500) .

Emard shows and discloses a telescoping pole assembly for an erectable, collapsible shelter (21) having a plurality of legs (2), the telescoping pole assembly comprising a plurality of telescoping pole members (11, 12) being mounted to the legs, each telescoping pole member including first and second hollow telescoping sections (11, 12) slidably connected together, wherein the a spring loaded detent pin (18) is mounted inside of the second telescoping section

(12) and inherently extending outward from an aperture formed on the second telescoping section (12), and the first telescoping section (11) having a second aperture, the second aperture of the first hollow telescoping section receiving the detent pin from the second hollow telescoping section such that the second aperture providing means for blocking the spring loaded detent pin to lock the first and second hollow telescoping sections (11, 12) together while the first hollow telescoping section (12) is positioned above the second hollow telescoping section (11) and the telescoping pole assembly is raised into a fully extended position, and the aperture providing means being not blocking the spring loaded detent pin when the detent pin is released from the aperture and the first telescoping section sliding relative to second telescoping section and is positioned below the second telescoping section to allow the telescoping pole assembly to be locked in a collapsible position, and the pole members being pivotally connected together by a central bracket member (14).

6. Claims 20-22 are rejected under 35 U.S.C. 102 (b) as being anticipated by Lynch (US Patent No. 4,779,635) .

Lynch shows and discloses a telescoping pole assembly for an erectable, collapsible shelter (16) having a plurality of legs (22), the telescoping pole assembly comprising a plurality of telescoping pole members (40) being mounted to the legs, each telescoping pole member (40) including first and second hollow telescoping sections (42, 44) slidably connected together, wherein the a spring loaded detent pin (45) is mounted inside of the second telescoping section (44) and inherently extending outward from an aperture formed on the second telescoping section (44), and the first telescoping section (42) having a second aperture, the second aperture

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of the first telescoping section (42) receiving the spring loaded detent pin (45) such that the second aperture providing means for blocking the spring loaded detent pin into the aperture to lock the first and second hollow telescoping sections (42, 45) together while the first hollow telescoping section (42) is positioned above the second hollow telescoping section (45) and the telescoping pole assembly is raised into a fully extended position, and the second aperture providing means being not blocking the spring loaded detent pin when the detent pin is released from the second aperture and the first telescoping section is located below the second telescoping section to allow the telescoping pole assembly to be locked in a collapsible position, and the pole members being pivotally connected together by a central bracket member (50).

### ***Citations***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mace '367 teaches an erectable, collapsible shelter having telescoping poles connected on the legs and a central bracket member. Persons '797, McMullin '375, Crain '849, Uilkema '652, and Ban '830 teach various poles including telescoping mechanism such as a spring located detent pin being received and blocked by apertures as similar to the claimed invention.

### ***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy  
August 6, 2004